

Regular Session, 2012

SENATE BILL NO. 242

BY SENATOR MURRAY

INSURANCE PREMIUMS. Provides relative to bail bond license fees in the Criminal District Court of the Parish of Orleans. (8/1/12)

AN ACT

To amend and reenact R.S. 22:822(A) and (B)(3), relative to criminal bail bond annual license fees; to provide with respect to exceptions for bonds written for charges to be prosecuted in the Criminal District Court of the Parish of Orleans; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:822(A) and (B)(3) are hereby amended and reenacted to read as follows:

§822. Criminal bail bond annual license fee

A. There shall be a fee on premiums for all commercial surety underwriters who write criminal bail bonds in the state of Louisiana, as follows:

(1) Except ~~in~~ **for bonds written for charges to be prosecuted in the Criminal District Court for the parish Parish** of Orleans, the fee shall be equal to two dollars for each one hundred dollars worth of liability underwritten by the commercial surety. Except as authorized under the provisions of R.S. 13:718(I)(2), this shall be the exclusive fee or tax on any criminal bail bond premium, including thereto premium taxes owed. In furtherance of the payment of this premium fee all

1 commercial surety underwriters underwriting criminal bail bonds in the state of
2 Louisiana shall, upon submitting the appearance bond and their power of attorney,
3 simultaneously pay to the sheriff of the parish, except in the parish of Orleans, **for**
4 **bonds written for charges to be prosecuted in the Criminal District Court for**
5 **the Parish of Orleans,** a fee of two dollars for each one hundred dollars worth of
6 liability on the bail bond being presented for the release of a person on bail. Failure
7 to pay the fee shall prevent the sheriff from accepting the appearance bond and
8 power of attorney. The sheriff may receive the fee by check or cash and shall only
9 accept it from the surety or the agent of the surety. In the event a surety or agent of
10 the surety presents payment of the fee by an instrument which is returned for
11 insufficient funds, the ~~agent~~ **surety** or the agent of the surety shall be prevented from
12 presenting the appearance bonds with ~~their~~ **the** power of attorney attached until the
13 outstanding fees are paid to the sheriff.

14 (2) In the parish of Orleans, **for bonds written for charges to be prosecuted**
15 **in the Criminal District Court for the Parish of Orleans,** the fee shall be equal to
16 three dollars for each one hundred dollars worth of liability underwritten by the
17 commercial surety. This shall be the exclusive fee or tax on any criminal bail bond
18 premium, including thereto premium taxes owed. In furtherance of the payment of
19 this premium fee, all commercial surety underwriters underwriting criminal bail
20 bonds in the parish of Orleans shall, upon submitting the appearance bond and their
21 power of attorney, simultaneously pay to the sheriff a fee of five dollars for each one
22 hundred dollars worth of liability on the bail bond being presented for the release of
23 a person on bail. Failure to pay the fee shall prevent the sheriff from accepting the
24 appearance bond and power of attorney. The sheriff may receive the fee by check or
25 cash and shall only accept it from the surety or the agent of the surety. In the event
26 a surety or agent of the surety presents payment of the fee by an instrument which
27 is returned for insufficient funds, the ~~agent~~ **surety** or the agent of the surety shall be
28 prevented from presenting the appearance bonds with ~~their~~ **the** power of attorney
29 attached until the outstanding fees are paid to the sheriff.

1 B.(1) Except as otherwise provided in this Subsection, all premium fees
 2 collected by the sheriff shall be remitted within sixty days after receipt as follows:

3 * * *

4 (3) In Orleans Parish, **for bonds written for charges to be prosecuted in**
 5 **the Criminal District Court for the Parish of Orleans,** two dollars of the three
 6 dollars collected for each one hundred dollars worth of liability underwritten by the
 7 commercial surety on all premium fees collected by the sheriff shall be maintained,
 8 supervised, and distributed as provided in R.S. 13:1381.5 and the one additional
 9 dollar of the three dollars collected for each one hundred dollars worth of liability
 10 underwritten by the commercial surety shall be allocated to the Criminal District
 11 Court for the Parish of Orleans.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Cheryl Horne.

DIGEST

Murray (SB 242)

Present law imposes a fee on premiums for all commercial surety underwriters who write criminal bail bonds in the state of Louisiana. Further provides that, except in the parish of Orleans, the fee shall be equal to two dollars for each one hundred dollars worth of liability underwritten by the commercial surety.

Proposed law applies the exception in present law to bonds written for charges to be prosecuted in the Criminal District Court for the Parish of Orleans.

Present law provides that in the parish of Orleans, the fee shall be equal to three dollars for each \$100 worth of liability underwritten by the commercial surety. Proposed law provides that in the parish of Orleans, for bonds written for charges to be prosecuted in the Criminal District Court for the Parish of Orleans, the fee shall be the same as in present law.

Present law provides that in Orleans Parish, two dollars of the three dollars collected for each \$100 worth of liability underwritten by the commercial surety on all premium fees collected by the sheriff shall be maintained, supervised, and distributed as provided in present law.

Proposed law provides that in Orleans Parish, for bonds written for charges to be prosecuted in the Criminal District Court for the Parish of Orleans, the fee shall be the same as in present law.

Effective August 1, 2012.

(Amends R.S. 22:822(A) and (B)(3))